

REMARKS

Claims 1-2, 4-10, and 12-16 have been canceled. Claims 3, 11, and 17-18 have been amended. New claims 19-22 have been added. No new matter has been added. Claims 3, 11, and 17-22 remain in the application. Reconsideration and reexamination is respectfully requested.

In the paper dated 05/03/2004, claims 1, 3, 4, 9, 11 and 12 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the examiner asks where there is disclosure for an optical head that is displaced from a platen. From the specification, at page 4, line 13, the optical head is reference number 100. In each of the figures, there is something between the optical head and the platen (piezoelectric elements 118 and 120; pads 206, 208 and 210; pivoting pads 300 and 400). In figures 1, 3A-3C, and 4A-4C, the entire optical head 100 is displaced equally from the platen. In figures 2A and 2B, the optical head is tilted one way when traveling in direction 214, and tilted another way when traveling in direction 216, so that for any point on the optical head (other than the point in contact with the pivot point of pad 206), that point is a different distance from the platen when traveling in direction 214 than when traveling in direction 216. Of the rejected claims, claims 3 and 11 remain, and figures 3A-3C and 4A-4C provide support for examples, consistent with claims 3 and 11, in which the optical head is displaced from the platen.

In the paper dated 05/03/2004, claims 3 and 11 were objected to as being dependent on a rejected base claim, but allowable if the 112 objections are overcome, and rewritten in independent form including all the limitations of the base claim. Claims 3 and 11 have been rewritten in independent form.

In the paper dated 05/03/2004, claims 1, 4, 9, 12, 17, and 18 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Japanese Patent Number JP 11-341219 (Takahashi). Only claims 17 and 18 remain, and each of claims 17 and 18 have been amended to clarify that the change in distance is intentional or predefined, to distinguish over an unintentional infinitesimal change resulting from a slight difference in compression of pads.

New claim 19 is supported, for example, by figures 3A-3C and at page 7, lines 3-16. New claims 20 and 21 are supported, for example, by figures 2A-2C, and at page 6, lines 5-14. New claim 22 is supported by figures 2A-2C, 3A-3C, and 4A-4C, and page 5, line 25 through page 8, line 4.

Entry of this amendment is respectfully requested. This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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